

Message Text

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APPROVED BY EUR/RPM:CHTHOMAS
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TO USMISSION USNATO IMMEDIATE
INFO USCINCEUR VAIHINGEN GE

C O N F I D E N T I A L STATE 229064

E.O. 11652: GDS

TAGS: MARR, US, NATO

SUBJECT: CEP -- TRANSFERRING CONTROL OF CIVILIAN SHIPPING
IN CRISIS OR WARTIME

REF: AC/98-D/894

1. REQUEST THAT USMISSION INTERRUPT SILENCE PROCEDURE
ON REFERENCE DOCUMENT, AND PROPOSE THE CHANGES OF
LANGUAGE SPECIFIED IN PARA 3 BELOW.
2. THESE CHANGES ARE REQUIRED BY USG INABILITY TO ACCEPT;
AS A LEGAL MATTER, THE CONCEPT IN MC12, PARA 6, PAGE 7
THAT NATO NAVAL AUTHORITIES WOULD OFFER THE GUIDANCE,
CONTROL AND PROTECTION OF SHIPPING TO PRIVATE OWNERS AND
OPERATORS ON A VOLUNTARY BASIS. WE PERCEIVE NO BASIS
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FOR A DIRECT INTERFACE BETWEEN NATO NAVAL AUTHORITIES
AND PRIVATE SHIP OWNERS AND OPERATORS WITHOUT THE INTER-
VENTION OF NATIONAL GOVERNMENTS. A COMPANY THAT PLACED
ITS SHIPS UNDER NATO NAVAL CONTROL WITHOUT DIRECTION OR
APPROVAL OF ITS NATIONAL AUTHORITIES MIGHT MEET LEGAL
PROBLEMS WITH ITS CONTRACTS OF CARRIAGE AND ITS
INSURANCE, AMONG OTHER THINGS. IN PRACTICAL APPLICATION

OF THE VOLUNTARY CONCEPT, AN OFFER OF VOLUNTARY CONTROL
TO PRIVATE OWNERS AND OPERATORS WOULD BE SUBJECT TO

MISUNDERSTANDING, RANGING FROM FAILURE TO COMPREHEND
THE SIGNIFICANCE OF THE OFFER TO THE SUPPOSITION THAT
ACCEPTANCE OF THE OFFER WAS MANDATORY. EVEN IF MEANING
OF "VOLUNTARY" WERE PROPERLY GRASPED, PRIVATE OWNERS
AND OPERATORS WOULD HAVE NO ACCESS TO THE INTELLIGENCE
NECESSARY TO ENABLE THEM TO DECIDE WHETHER TO ACCEPT
THE OFFER OR NOT. FOR THESE REASONS, IT IS OUR VIEW
THAT NAVAL CONTROL AND PROTECTION OF SHIPPING DURING
A CRISIS PERIOD SHOULD BE OFFERED BY NATO NAVAL
AUTHORITIES TO NATIONAL AUTHORITIES, AND THAT
ACCEPTANCE OF THE OFFER SHOULD BE THE RESPONSIBILITY OF
NATIONAL GOVERNMENTS.

3. THEREFORE, THE US PROPOSES THAT:

A. PARAGRAPH 6, PAGE 7, LINES 22 AND 23, BE CHANGED TO
READ: "APPROVAL OF THE NAC/DPC ON THE PRINCIPLE OF
VOLUNTARY ACCEPTANCE BY NATIONAL AUTHORITIES."

B. PARAGRAPH 2B, PAGE 10, LINE 11 BE CHANGED TO ADD
"BUT REQUIRES AUTHORIZATION OF THEIR NATIONAL
GOVERNMENTS."

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C. PARAGRAPH 3A, PAGE 10, LINE 27 BE CHANGED TO READ:
"... UNTIL DIRECTED BY HIS OWNER OR OPERATOR AND
RECEIVING THE CONSENT OF HIS NATIONAL GOVERNMENT."

CHRISTOPHER

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